

505 Chapel Hill St. Disposition

Reformatted Section X: Professional Services Forms & Reformatted Section XI: Contractor Workforce Diversity Questionnaire

Note: the following forms are the same forms that were posted within Sections X & XI of the Request for Qualifications released by the City on 9-29-2021, but have been reformatted to appropriately align with page breaks.

X. APPENDIX: PROFESSIONAL SERVICES FORMS



EQUITY & INCLUSION

CITY OF DURHAM

EQUAL BUSINESS OPPORTUNITY PROGRAM

PROFESSIONAL SERVICES FORMS

Updated 03/21



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The Department of Equal Opportunity/Equity Assurance
Good Things Are Happening In Durham

CITY OF DURHAM EQUAL BUSINESS OPPORTUNITY PROGRAM

Policy Statement

It is the policy of the City to provide equal opportunities for City contracting to underutilized businesses owned by minorities and women doing business in the City's Contracting Marketplace. It is further the policy of the City to prohibit discrimination against any firm in pursuit of these opportunities, to conduct its contracting activities so as to prevent such discrimination, to correct the present effects of past discrimination and to resolve complaints of discrimination.

Goals

To increase the dollar value of all City contracts for goods and services awarded to minority and women business enterprises, it is a desire of the City that the contractor will voluntarily undertake efforts to increase the participation of minority and women individuals at higher skill and responsibility levels within non-minority firms engaged in contracting and subcontracting with the City.

The Equity & Inclusion Director shall determine participation goals based upon the availability of minority and women business enterprises (MWBs) within the defined scope of contracting, and the goals established for the contracting category.

EQUAL BUSINESS OPPORTUNITY PROGRAM UBE PARTICIPATION DOCUMENTATION

If applicable information is not submitted with your proposal, your proposal may be deemed non-responsive.

UBE Participation Documentation must be used to document participation of an underutilized business enterprise (UBE) on Professional Services projects. All UBEs must be certified by the State of North Carolina as a historically underutilized business, the North Carolina Department of Transportation as a minority-owned or women-owned business or the U.S. Small Business Administration's 8(a) Business Development Program prior to the submission date. If a business listed has not been certified, the amount of participation will be reduced from the total utilization.

Letter of Intent to Perform as a Sub-consultant/Subcontractor must be completed for UBEs proposed to perform on a contract. This form must be submitted with the proposal.

Post Proposal Submission UBE Deviation

Post proposal submission UBE deviation participation documentation must be used to report any deviation from UBE participation either prior to or subsequent to startup of the project. The Equity & Inclusion Department must be notified if the proposed sub-consultant/subcontractor is unable to perform and for what reasons. Substitutions of sub-consultants/subcontractor, both prior to and after awarding of a contract, are subject to City approval.

UBE Goals Not Met/Documentation of Good Faith Efforts

It is the responsibility of consultants/contractors to make good faith efforts. Good Faith Efforts means the sum total of efforts by a particular business to provide equitable participation of minority-owned and women-owned individuals or businesses as sub-consultants/subcontractors.

Whenever contract alternatives, amendments or extra work orders are made individually or in the aggregate, which increase the total value of the original contract, the consultant must make a good faith effort to increase UBE participation such that the amounts subcontracted are consistent with the established goals.

SELECTION OF CONSULTANTS/CONTRACTORS FOR ARCHITECTURAL/ENGINEERING AND OTHER PROFESSIONAL SERVICES

Definition of the Scope of the Selection Policy

The Equity & Inclusion Director shall determine UBE participation goals for each contracting category to be awarded by the City. Goals for each project or contract will be based upon the availability of underutilized business enterprises(UBE's) within the defined scope of work, delineated into percentages of the total value of the work.

The City of Durham will consider a formal certification of the State of North Carolina's Historically Underutilized Businesses (HUB) Office, North Carolina Department of Transportation (N.C. DOT) minority and women businesses and the United States Small Business Administration (U.S. SBA) 8(a) Development Program as meeting the requirements of the Equal Business Opportunity Program, provided there is evidence that the firm is currently certified by one of the stated entities.

Underutilized Business Proposal Requirements

The prime consultant/contractor shall submit a proposal in accordance with the City of Durham's request for Proposal. In addition, the prime consultant/contractor must submit all required Professional Services Forms.

Selection Committee for Professional Services

A selection committee shall be established and may be composed of the following: City Manager or a designated representative of this office; Director of Finance or a designated representative of this office; department head responsible for the project; City Engineer if engineering services are involved; the Equity & Inclusion Director or designee and Purchasing Manager or designee. Other representatives shall be called upon as needed based on their areas of expertise.

The committee shall screen the proposals based on the following criteria:

1. Firms; interest in the project;
2. Current work in progress by firm;
3. Past experience with similar projects;
4. General proposal for carrying out the required work;
5. Designation of key personnel who will handle the project, with resume for each;
6. Proposed associate consultants/contractors, UBE subconsultants;
7. Indication of capability for handling project;
8. Familiarity with the project;
9. Fees that have been charged for recent comparable projects;
10. References;
11. UBE Participation; and
12. Documentation of Good Faith efforts should UBE participation requirements not be met.

After ranking the firms presenting proposals based on the above criteria, interviews will be conducted by the selection committee with the top ranked firms (3-5). The contracting

department will make the final recommendation, prepare contracts for review by the City Attorney, and prepare the recommendation for the City Council including the following:

1. Description and scope of the project;
2. Recommended firm;
3. Contract cost;
4. Time limits;
5. Basis for selection;
6. Source for funding;
7. Equal Business Opportunity Ordinance compliance; and
8. Recommendation that the contract be approved by the City Council.

Contract Award

A provision must be written in each contract with an architect or engineer requiring them to work with Equity & Inclusion Department in creating and identifying separate work.

Project Evaluation

An evaluation shall be made of each contract after its completion to be used in consideration of future professional services contracts. The evaluation shall cover appropriate items from the check list for ranking applicants. A copy of the evaluation shall be given to the consultant, and any comment he/she cares to make shall be included in the files.

PARTICIPATION DOCUMENTATION FORM
(TO BE COMPLETED BY PRIME CONSULTANT/CONTRACTOR ONLY)

**Names of all firms
Project (including
prime and
subconsultants/sub
- contractors)**

Location

**UBE
Firm
Yes/No**

**Nature
of
Participation**

**% of Project
Work**

		Yes () No ()		
		Yes () No ()		
		Yes () No ()		
		Yes () No ()		
		Yes () No ()		
		Yes () No ()		
		Yes () No ()		

TOTAL _____

Name - Authorized Officer of Prime Consultant/Contractor Firm (Print/Type)

Signature - Authorized Officer of Prime Consultant/Contractor Firm

Date

LETTER OF INTENT TO PERFORM AS A SUBCONSULTANT

The undersigned intends to perform work in connection with the above project as a UBE:

☐ Minority (African American, American Indian, Asian or Hispanic) ☐ Woman

The UBE status of the undersigned is certified if identified as HUB certified by the N.C. Department of Administration HUB Office, minority or women certified by the N.C. Department of Transportation and 8(a) certified by the U.S. Small Business Administration.

The undersigned is prepared to perform the following described work in connection with the above project (specify in detail particular work items or parts thereof to be performed):

You have projected the following commencement date for such work, and the undersigned is projecting completion of such work as follows:

<u>ITEMS</u>	<u>PROJECTED COMMENCEMENT DATE</u>	<u>PROJECTED COMPLETION DATE</u>

The consultant will subcontract _____% of the dollar value of this contract to UBE subconsultant.

The undersigned will enter into a formal agreement in the amount of \$_____ for the above work with you, conditioned upon your execution of a contract with the City of Durham.

Name : _____

Title: _____

Company : _____

Telephone: _____

Address: _____

Signature _____

REQUEST TO CHANGE UBE PARTICIPATION

Project: _____

Name of bidder or consultant: _____

Name and title of representative of bidder or consultant: _____

Address: _____

Zip Code: _____

Telephone No: _____

Fax Number: _____

Email address: _____

Total amount of original contract, before any change orders or amendments: _____

Total amount of the contract, including all approved change orders and amendments to date, but not counting the changes proposed in this form:

Dollar amount of changes proposed in this form: _____

The proposed change (*check one*): ☐ **increases** ☐ **decreases** the dollar amount of the bidder's/consultant's contract with the City.

Does the proposed change decrease the UBE participation? (*check one*: ☐ **yes** ☐ **no**)

If the answer is **yes**, complete the following:

BOX A. For the subcontract proposed to be changed (increased, reduced, or eliminated): Name of subconsultant _____

Goods and services to be provided before the proposed change: _____

Is it proposed to eliminate this subcontract? ☐ **yes** ☐ **no**

If the subcontract is to be increased or reduced, describe the nature of the change (*such as adding \$5,000 in environmental work and deleting \$7,000 in architectural*):

Dollar amount of this subcontract before this proposed change: _____

Dollar amount of this subcontract after this proposed change: _____

This subcontractor is (check one):

- ☐ 1. Minority-Owned UBE
- ☐ 2. Woman-Owned UBE
- ☐ 3. Not a UBE

BOX B. Proposed subcontracts other than the subcontract described in Box A above (continued)

Name of sub-consultant for the new work: _____

Goods and Services to be provided by this proposed subcontract: _____

Dollar amount proposed of this proposed subcontract. This sub-consultant is:

- ☐ 1. Minority-Owned UBE
- ☐ 2. Woman-Owned UBE
- ☐ 3. Not a UBE

Add additional sheets as necessary.

UBE GOALS NOT HAVING BEEN MET

The following information must be presented by the consultant concerning good faith efforts taken.

It is the responsibility of consultants to make good faith efforts. Any act or omission by the City shall not relieve them of this responsibility. For future efforts, it shall be comprised of such efforts which are proposed to allow equitable participation of socially and economically disadvantaged employees and sub-consultants/subcontractors. The City Manager shall apply the following criteria, with due consideration of the quality, quantity, intensity and timeliness of efforts of consultants/contractors, in determining good faith efforts to engage UBEs along with other criteria that the City Manager deems proper:

Name of Bidder: _____

If you find it helpful, feel free to attach pages to explain your answers. How many pages is your firm attaching to this questionnaire? _____ questionnaire.)

(Don't count the 2 pages of this)

If a yes or no answer is not appropriate, please explain the facts. All of the answers to these questions relate only to the time before your firm submitted its bid or proposal to the City. In other words, actions that your firm took after it submitted the bid or proposal to the City cannot be mentioned or used in any answers.

1. SOLICITING UBEs.

- (a) Did your firm solicit, through all reasonable and available means, the interest of all UBEs in the list provided by the City in the scope of work of the contract? ☐ **yes** ☐ **no**

In such soliciting, did your firm advertise? ☐ **yes** ☐ **no**

Are you attaching copies to this questionnaire, indicating the dates and names of newspaper or other publication for each ad if that information is not already on the ads? ☐ **yes** ☐ **no**

- (b) In such soliciting, did your firm send written (including electronic) notices or letters? Are you attaching one or more sample notices or letters? ☐ **yes** ☐ **no**

- (c) Did your firm attend the pre.bid conference? ☐ **yes** ☐ **no**

- (d) Did your firm provide interested UBEs with timely, adequate information about the plans, specifications, and requirements of the contract? ☐ **yes** ☐ **no**

- (e) Did your firm follow up with UBEs that showed interest? ☐ **yes** ☐ **no**

- (f) With reference to the UBEs that your firm notified of the type of work to be subcontracted, did your firm tell them:

- (i) the specific work your firm was considering for subcontracting? ☐ **yes** ☐ **no**
- (ii) that their interest in the contract is being solicited? ☐ **yes** ☐ **no**
- (iii) how to obtain and inspect the applicable plans and specifications and descriptions of items to be purchased? ☐ **yes** ☐ **no**

2. BREAKING DOWN THE WORK.

(a) Did your firm select portions of the work to be performed by UBEs in order to increase the likelihood that the goals would be reached? ☐ **yes** ☐ **no**

(b) If **yes**, please describe the portions selected. **ANSWER:**

3. NEGOTIATION. In your answers to 3, you may omit information regarding UBEs for which you are providing a Letter of Intent.

(a) What are the names, addresses, and telephone numbers of UBEs that you contacted?

ANSWER:

(b) Describe the information that you provided to the UBEs regarding the plans and specifications for the work selected for potential subcontracting. **ANSWER:**

(c) Why could your firm not reach agreements with the UBEs that your firm made contact with? Be specific. **ANSWER:**

4. ASSISTANCE TO UBEs ON BONDING, CREDIT, AND INSURANCE.

(a) Did your firm or the City require any subcontractors to have bonds, lines of credit, or insurance?
☐ **yes** ☐ **no** (Note: In most projects, the City has no such requirement for *subcontractors*.)

(b) If the answer to (a) is **yes**, did your firm make efforts to assist UBEs to obtain bonds, lines of credit, or insurance? ☐ **yes** ☐ **no**

If yes, describe your firm's efforts. **ANSWER:**

(c) Did your firm provide alternatives to bonding or insurance for potential subcontractors?
☐ **yes** ☐ **no** If **yes**, describe. **ANSWER:**

5. GOODS AND SERVICES. What efforts did your firm make to help interested UBEs to obtain goods or services relevant to the proposed subcontracting work? **ANSWER:**

6. USING OTHER SERVICES.

(a) Did your firm use the services of the City to help solicit UBEs for the work? ☐ **yes** ☐ **no**
Please explain. **ANSWER:**

- (b) Did your firm use the services of available minority/women community organizations, minority and women contractors' groups, government-sponsored minority/business assistance agencies, and other appropriate organizations to help solicit UBEs for the work? ☐ **yes** ☐ **no** Please explain.

ANSWER:

XI. APPENDIX: CONTRACTOR WORKFORCE DIVERSITY QUESTIONNAIRE

A diverse workforce refers to the similarities and differences among employees in terms of age, cultural background, physical abilities and disabilities, race, religion, gender, and sexual orientation. A diverse workforce results in greater productivity, engagement and innovation among the employees of a business. The workforce of the City of Durham is diverse and directly benefits from diversity in hiring practices of the contractors that do business in the City of Durham. The City of Durham is committed to the promotion of a diverse workforce within its own workforce and the workforce of contractors that perform work for, or deliver goods or services to, the City.

The information requested in this questionnaire is intended to encourage the candidate, which is defined as the person, firm or corporation interested in contracting with the City, to engage in diverse workforce hiring practices as in the best interest of the City and the greater Durham community. The following questions focus on your efforts to recruit and maintain a diverse workforce and to provide your business with resources and recommendations on how to create and maintain a diverse workforce.

1. Do the management and professional positions within your business include women and minorities?

_____ Yes _____ No

If yes, please provide number(s) and positions:

Number of Women _____
Position title: _____

Number of Minorities _____
Position title: _____

2. Please respond to the following efforts you make to create and maintain a more diverse workforce:

(a) When you recruit for employees, do you only recruit by word-of-mouth?

_____ Yes _____ No

[Note: Reliance on word-of-mouth recruiting alone is unlikely to result in a diverse workforce.]

(b) Do you focus any recruitment efforts in the local Durham area?

_____ Yes _____ No

If, yes, please provide examples how you focus recruitment to the local Durham area:

(c) Do you utilize any women/minority-focused LinkedIn groups and/or other professional or non-professional women/minority groups?

_____ Yes _____ No

If, yes, please provide examples: _____

(d) Do you regularly recruit from HBCUs (Historically Black Colleges and Universities) and/or other minority-focused colleges and universities?

_____ Yes _____ No

If, yes, please provide names of the schools: _____

(e) Do you attend minority-focused career fairs?

_____ Yes _____ No

If, yes, please provide names of examples: _____

(f) Do you participate in Durham youth internship programs?

_____ Yes _____ No

If, yes, please provide names of examples: _____

3. Please list the efforts your company makes to promote or create a more diverse workforce that may not be listed above under question No. 2.

4. Do you believe your business, including all employees, has a diverse workforce?

_____ Yes _____ No

Enter the total number of employees that work for your business _____.

Please provide the reasons why you believe **you have**, or **do not have**, a diverse workforce:

5. How would you characterize the nature of the majority of your workforce:

(a) Professional and skilled (includes technicians and clerical) workers:

_____ Yes _____ No

(b) Mostly unskilled workers and laborers:

_____ Yes _____ No

(c) Mix of professional, skilled and unskilled workers and labors:

 Yes No

6. To assist the City in determining the effectiveness of your diverse workforce hiring practices, please complete the following Employee Breakdown Table(s) to show your current employee diversity breakdown:

[Instructions: Complete Part A for the primary location where the goods and services that are the subject of the bid/proposal are to be made or provided. If the parent company or other locations of the business are providing any substantial portion of the goods or services, then the business must also complete Part B, for the consolidated company.]

Part A – Employee Diversity Breakdown Table for Primary Location

[illegible]

Part B – Employee Diversity Breakdown for the Consolidated Company

[illegible]

Resources –The City of Durham advertises job postings to a variety of sources in its own pursuit of a diverse workforce. The following resources are sources used by the City of Durham and others and are being provided to assist you in your recruitment of a more diverse workforce.

Category	Organization	Website
Professionals	American Women’s Society of Certified Public Accountants	www.awscpa.org
Professionals	Accounting & Financial Women’s Alliance	www.afwa.org
Professional/ Technical	Society of Women Engineers	www.societyofwomenengineers.swe.org
Professionals	American Business Women’s Assoc.	www.abwa.org
Professionals	Association for Women in Science	www.awis.org
Professionals	Women in Engineering	www.womeng.org
Professionals	Women in Technology	www.womenintechology.org
Professionals	Women in I.T	www.womeninit.org
Professionals	URISA	www.urisa.org
Professionals	Women in GIS	www.womeningis.org
Professionals	Supporting Women in Geography & GIS	www.swiggis-austin.org
Professionals	Women’s Transportation Seminar	www.wtsinternational.org
Professionals	Society of Asian Scientists and Engineers	https://www.saseconnect.org/

Professionals	National Organization of Minority Architects	https://www.noma.net/professional/north-carolina
Professionals	North Carolina Society of Hispanic Professionals	https://www.thencshp.org
Professionals	Association of Asian American Architects & Engineers	https://www.aaaesc.org
Professionals	Minority Professionals Network	http://www.minorityprofessionalnetwork.com
Gen. Construction	National Association of Black Women in Construction	https://nabwic.org
Chamber of Commerce	Carolinas Asian American Chamber of Commerce	https://caacc.com
Skilled Craft	Hispanic Arborist Assoc.	www.hispanicarboristassociation.com
Skilled Craft	Electrical Workers Minority Caucus	www.ibew-ewmc.org
Skilled Craft	Women in Manufacturing	www.womeninmanufacturing.org

Skilled Craft	Rainbow PUSH Automotive Project	www.automotiveproject.org
Skilled Craft	Women in Automotive	www.womeminautomotive.org
Service/Maintenance	Conf. of Minority Transportation Officials	www.comto.org
Service/Maintenance	Coalition of Labor Union Women	www.cluw.org
Service/Maintenance	National Assoc. of Women in Construction	www.nawic.org
Protect and Serve	National Assoc. of Latino Firefighters	www.nahf.org
Protect and Serve	Int. Assoc. of Black Firefighters	www.iabpf.org
Protect and Serve	Int. Assoc. of Women in Fire & Emergency Services	www.i-women.org
Protect and Serve	National Assoc. of Women Law Enforcement Officers	www.nawlee.org
Protect and Serve	National Latino Law Enforcement Org.	www.nlleo.com
Protect and Serve	National Coalition of Latino Officers	www.latino-officers.org
Protect and Serve	Asian American Law Enforcement Assoc.	<a href="http://www.asianamericanlawenforemen
tassociation.org">www.asianamericanlawenforemen tassociation.org